

REMARKS

The present application was filed on April 6, 2001 with claims 1-12. Claims 1-8, 11 and 12 have been amended and claims 13-16 have been added. Claims 1-16 remain pending, and claims 1, 3, 8, 11 and 12 are the pending independent claims.

In the outstanding Office Action dated November 28, 2004, the Examiner: (i) rejected claims 1, 3 and 8-10 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,923,644 (hereinafter "McKeown1") in view of U.S. Patent No. 5,500,858 (hereinafter "McKeown2"); (ii) rejected claim 2 under 35 U.S.C. §103(a) as being unpatentable over McKeown1 in view of McKeown2 and U.S. Patent No. 6,072,772 (hereinafter "Charny"); and (iii) rejected claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over McKeown1 in view of U.S. Patent No. 6,667,984 (hereinafter "Chao").

Applicants acknowledge the indication of allowable subject matter in claims 4-7. Dependent claims 4-7 have been amended to correct minor grammatical errors and to correspond with the amended limitation of claim 3.

With regard to the rejection of claims 1, 3 and 8-10 under 35 U.S.C. §103(a) as being unpatentable over McKeown1 and McKeown2, independent claims 1, 3 and 8 have been amended to recite that the weight is computed such that it depends on a delay value of a first received, or head-of-line, data packet in an associated data scheduling envelope. Support for the amendment can be found, for example, on page 7, lines 10-12.

Applicants assert that the combination of McKeown1 and McKeown2 fails to disclose that a weight assigned to unmatched input-unmatched output channel pairs, having at least one data scheduling envelope storing one or more data packets, is computed such that it depends on a delay value of a first received data packet in an associated data scheduling envelope. McKeown1 and McKeown2 fail to disclose anything that relates to a delay value of a first received data packet, and thus, also fail to disclose the incorporation of this delay value into the weight. Charny provides some discussion of cell scheduling, delay and timestamps, but fails to disclose a delay value of a first received packet, and provides no disclosure relating to the incorporation of a delay value into a weight.

Dependent claims 9 and 10 are patentable at least by virtue of their dependency from independent claim 8, and also recite patentable subject matter in their own right. Accordingly,

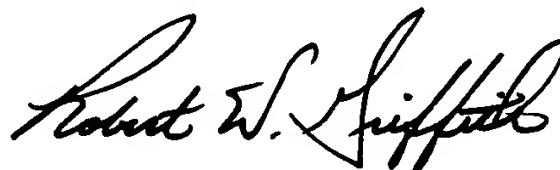
withdrawal of the rejection to claims 1, 3 and 8-10 under 35 U.S.C. §103(a) is respectfully requested.

With regard to the rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over McKeown1 in view of McKeown2 and Charny, Applicants assert that the proposed combination fails to describe, suggest or render obvious the elements of claim 2. Further, dependent claim 2 is patentable at least by virtue of its dependency from independent claim 1, and also recites patentable subject matter in its own right. The patentability of independent claim 1 is described above. Accordingly, withdrawal of the rejection to claim 2 under 35 U.S.C. §103(a) is respectfully requested.

With regard to the rejection of claims 11 and 12 under 35 U.S.C. §103(a) as being unpatentable over McKeown1 in view of Chao, independent claims 11 and 12 have been amended to recite that the weight is computed such that it depends on a delay value of a first received data packet. Applicants assert that the combination of McKeown1 and Chao fails to disclose or suggest that the received weight elements are computed such that they depend on a delay value of a first received data packet. Accordingly, withdrawal of the rejection to claims 1 and 12 under 35 U.S.C. §103(a) is respectfully requested.

In view of the above, Applicants believe that claims 1-16 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejection.

Respectfully submitted,



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